IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Crl.MC.No. 3 of 2007()

CC.117/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

.....

PETITIONER: ACCUSED:

RADHAMANI, W/O.RAMANKUTTY,
KALLURUTTIPARAMBIL, `AMBILI NIVAS',
THRIPPATTA, KULAPPALLY P.O.,
SHOURNUR, OTTAPALAM.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

THE STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.A. AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 1.1.2007 ALONG WITH CRMC 4 & 5 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

Crl.M.C.Nos. 3, 4 & 5 of 2007

- -

Dated this the 1st day of January, 2007

O R D E R

The petitioner faces indictment in three separate prosecutions, all under Section 138 of the N.I. Act, initiated by different complainants. All cases are pending before the learned Magistrate, Ottapalam. Consequent to non-appearance of the petitioner, the petitioner finds herself in the unenviable predicament of warrants of arrest issued by the learned Magistrate chasing her. She wants to surrender before the learned Magistrate. She apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances prayed that appropriate directions may be issued to the learned Magistrate to consider her application for bail on merits, expeditiously and in accordance with law.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate

would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. Dy.S.P. of Police (2003 (1) KLT 339).

3. These Crl. M.Cs. are accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

(R. BASANT)
Judge

HO

tm